



Township of North Kawartha

280 Burleigh Street, PO Box 550, Apsley, ON K0L 1A0
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Report to Council

To: The Mayor and Members of Council

Prepared By: Forbes Symon, MCIP, RPP, Senior Planner (Contract), Jp2g Consultants Inc.

Meeting Date: February 17, 2026

Subject: Report on Zone Amendment Application #ZA-15-25

Purpose and Effect:

The purpose of this report is to present Zone Amendment Application #ZA-15-25 for consideration by Council.

Recommendation:

"That Council **refuse** Zone Amendment Application #ZA-15-25, due to further encroachment into the water setback and lack of conformity to the Official Plan."

Property Information:

Owner –	2684536 Ontario Inc
Roll No. –	153601000310300
Ward –	Chandos
Concession –	7
Part Lots –	25
Zoning –	Shoreline Residential (SR)
Official Plan –	Shoreline Residential
Area –	0.33 ha (0.81 ac)
Frontage –	112 m (367 feet)
911 –	319 Walkes Road



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Background: Proposal Overview

Zone Amendment Application #ZA-15-25 has been submitted by Kevin Duguay on behalf of 2684536 Ontario Inc, to permit the replacement/enlargement of an existing cottage on the subject property. The subject property is access by a private road, Walkes Road, and fronts on the eastern shore of Chandos Lake. The existing lot was enlarged with the purchase of abutting road allowance (Part 1, Plan 45R-17462) to enlarge the property and create the current configuration of the property (0.33 ha in size).

In support of the application, the agent has submitted a Planning Justification Report, a detailed site plan and an Archaeological Assessment. The application went through a preconsultation in December of 2024 which detailed the proposal to involve the demolition of the existing 118 m² one-storey dwelling and its replacement with a new two-storey 482 square meter dwelling with 78.2 m² of attached deck. It was noted during preconsultation that the existing dwelling is approximately 12.8 m to the western shoreline and estimated at approximately 32 m +/- to the southern shoreline (measurement not shown – staff scaled from site plan and survey). The existing structure's setback from the southern shore of Chandos Lake appears to exceed the 30 m water setback. The preconsultation proposal placed the new proposed dwelling 13.0 m from the western and 13 m from the southern shoreline.

The preconsultation planning comments stressed that "Official Plan policies require a 30-metre setback from the high-water mark for new development in order to maintain an appropriate balance between built and natural form and to protect the key ecological functions of the shoreline area. However, the reconstruction and expansion of existing dwellings located within this required setback is a permitted exception, provided that no further encroachment towards the high-water mark results. In instances where a property is surrounded by water on multiple sides or has an irregular shoreline, shorelines in different cardinal directions from a building are treated independently. The most deficient of the HWM setbacks does not apply in all cardinal directions from



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building; therefore, the proposed reduction to the southern HWM is considered a further encroachment towards the waterbody.”

It was also noted that the proposed redevelopment exceeded the maximum lot coverage by 7% and the permitted maximum lateral width expansion, by roughly 15 m.

The Preconsultation Report (attached) expressed the opinion that the proposed dwelling is an inappropriate scale and configuration for the subject property and was not supported by staff.

The formal zoning amendment application was submitted in August of 2025. At that time, the development proposal remained consistent with the original preconsultation submission and did not appear to address the preconsultation comments on the scale and location of the development. The Township’s Planning Consultant contacted the applicant seeking clarification on the location of the new septic system, clarification on proposed height, lot coverage and confirmation of lateral width expansion. Concerns regarding encroachment into the 30 m water setback and the general overdevelopment of the property were also expressed. These matters required attention prior to deeming the application complete.

The applicant’s agent resubmitted the application in December of 2025. The resubmission included a modest reduction in the size of the proposed dwelling and increased the southern water setback to from 13 m to 18.05 m (59.3 ft), still representing a further encroachment into the water setback. The proposed new septic system was placed 20.09 m (65.9 ft) from the southern shoreline. The application was deemed complete and scheduled for a public meeting.

Concurrent Applications: None

Planning Analysis:

As per the Planning Act, decisions on planning matters including zoning by-law amendments are required to be consistent with the Provincial Planning Statement



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(2024) and conform to the Official Plan and the Zoning By-law.

Provincial Planning Statement, 2024

Under the policies of the Provincial Planning Statement (2024), the subject property is considered rural lands. The PPS directs that resource-based recreational uses, including recreational dwellings and accessory structures, are permitted on rural lands, provided that the development is compatible with the rural landscape and sustained by rural service levels. The proposed rezoning will facilitate the redevelopment of an existing waterfront property, closer to the water than the existing cottage. The proposed on-site services, specifically the new septic system, is proposed to be located within the 30 m setback from water. There is no indication that efforts were made to locate the new septic system outside of the 30 m water setback.

It is questionable whether the application satisfies Section 4.2 Water, of the PPS 2024. The Planning Justification Report did not identify or address the policies of Section 4.2 of the PPS 2024 but did make the statement that the proposal conforms to the PPS.

It is widely acknowledged that the 30 metre (100 foot) water setback regulation is intended to address Section 4.2 of the PPS (2024) and has been widely adopted throughout Ontario as an accepted standard.

Staff are of the opinion that the above water policies in the PPS are germane to the subject proposal before Council. The redevelopment closer to Chandos Lake, is not in keeping with the intent of Section 4.2 of the PPS.

County of Peterborough Official Plan

The subject property is designated 'Seasonal Residential" in the County of Peterborough Official Plan and covered by policies Section 6.2.5, being the Local Component of the Official Plan for the Township of North Kawartha.

Policies for both the overarching County of Peterborough Official Plan and the Seasonal Residential designation direct that the preservation of naturally vegetated shorelines be



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encouraged. Section 6.2.5.3 sets out policies related to the 30 metre (100 foot) setback from water. The policies do permit existing development that is located in the required water yard to expand in accordance with the provisions of the Zoning By-law, provided that the enlargement does not further encroach into the 30 metre (100 foot) required water setback.

The review of the plans submitted during preconsultation, the original ZBA application submission and the revised ZBA application, all identify the proposed new dwelling as encroaching further into the southern shoreline 30 m water setback. The application before Council identifies the new structure being approximately 14 m (46 ft) closer to the southern shore of Chandos Lake than the existing cottage, contrary to the policies of the Official Plan, and as expressed during preconsultation. It is also held that the proposed new septic system will be located within the 30 m setback from the water and that there is no indication of efforts to locate the new septic system outside of the 30 m setback, despite the lot addition which provided additional lands outside of the 30 m setback.

Staff are of the opinion that the proposed redevelopment of the subject property represents an overdevelopment of the undersized lot, offending the Official Plan policies regarding encroachment into the 30 m setback.

The revised PJR submitted by the applicant does not address the Official Plan policies of Section 6.2.5 regarding the 30 m setback from water and has presented no planning argument to support the further encroachment into the 30 m water setback.

It is submitted as our professional planning opinion that the proposed application does not conform to the County of Peterborough Official Plan and represents a further encroachment into the 30 m water setback.

Township of North Kawartha Comprehensive Zoning By-law (#26-2013)

The subject lands are currently zoned Shoreline Residential (SR) in the Township of North Kawartha Comprehensive Zoning By-law. In order to permit the development as proposed, the following site-specific provision(s) have been requested by the applicant:



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- a) **Minimum Lot Area**, Notwithstanding the provisions of Section 6.2 (a), the minimum lot area shall be 0.35 hectares.
- b) **Minimum Water Yard**, Notwithstanding the provisions of Section 6.2 (k), the minimum water yard shall be:
 - i) Recreation Dwelling House – 13.3 metres to west and 18.05 m to south; and
 - ii) Open deck of a Recreation Dwelling House - 10 metres.
- c) **Minimum Rear Yard**, Notwithstanding the provisions of Section 6.2(j), the minimum rear yard requirement (east), shall be 7.23 metres.
- d) **Maximum Building Height**, Notwithstanding the provisions of Section 3.18b)(iv), the maximum height for a building located between 15 m and 30 m of the high-water mark shall be 208 m for a total building height of 7.8 m.

It is worth noting that the application did not address the lateral width regulations of the Zoning By-law (Section 3.18) which appear to be contravened by this redevelopment proposal, with the new dwelling having a lateral width of 32.7 m, where a 27.6 m lateral width is permitted (5.1 m greater than permitted). The application also fails to address Section 3.18 c) which permits the development of lots having a lesser lot area and or lot frontage than required “provided such erection does not contravene any other provisions of this By-law”. The property is undersized and fails to comply with several elements of the By-law.

This has been a long standing policy of the Township and one which has been consistently applied on all of the waterbodies of the Township that redevelopment of waterfront properties not further encroach into the 30 m water setback. It is fair to say that it is a foundational policy of waterfront redevelopment with the Township and which has been applied throughout the province, under the direction of the Ministry of Environment, Conservation and Parks (MECP).

It is submitted as our professional planning opinion that the proposed redevelopment is not consistent with the direction of the Township of North Kawartha Comprehensive



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Zoning By-law in terms of the location of the dwelling, lateral width of dwelling, proposed location of the septic system and lack of compliance with Section 3.18c).

Public and Agency Comments:

A letter dated January 23, 2026, was received from the Curve Lake First Nations (attached). The letter noted that “the property is located on the shore of Chandos Lake and has a potential high impact to First Nation cultural resources it is recommended that an archaeological assessment and an environmental assessment take place before any ground disturbance. Additionally, we request additional information regarding the nature of the proposed development activities.”

Upon receiving the letter from Curve Lake First Nations, the Township’s Consultant Planner provided Curve Lake First Nations with a copy of the submitted Archaeological Assessment, Planning Justification Report and draft site plan January 26, 2026.

The Curve Lake First Nations letter outlined their expectations regarding the application and a desire to initiate discussion and engagement with their Nation. There is also an expectation that their costs associated with this consultation will be borne by the proponent.

The Township is encouraged to initiate formal engagement with Curve Lake First Nation regarding this and other planning applications within the Nation’s territory.

Financial Implications:

N/A.

Concluding Comments:

Zone Amendment Application #ZA-15-25 seeks to rezone the subject property in order to facilitate the construction of a new 269 m² dwelling and septic system on the property), abutting Chandos Lake. The new dwelling would encroach an additional 14 m



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closer into the southern waterfront exposure than the location of the existing cottage (which is currently in compliance with the 30 m setback on the southern exposer), contrary to the Official Plan and Zoning By-law.

It is staff's professional opinion that the proposal before Council is not consistent with the PPS 2024, is not in conformity with the Peterborough County Official Plan, is not consistent with the Township of North Kawartha's Zoning By-law and does not represent good land use planning.

This application fails to meet the direction provided in Section 4.2 of the PPS, Section 6.2.5.3 of the Peterborough County Official Plan, and Sections 6.2 k), 3.18 a), 3.18 b) 3.18 c), and 3.30 c) of the Township of North Kawartha's Zoning By-law.

Although there has been a Planning Justification Report submitted with this application, the report fails to acknowledge the offended policies noted above and does not provide sufficient argument to relieve the subject property from meeting the intent of the planning policies noted. Although the application was revised, the location and width of the proposed new dwelling still significantly encroaches further into the southern shoreline 30 m water setback abutting Chandos Lake by 14 m.

As such, it is the professional recommendation of staff that Council not support the zoning by-law amendment ZA-15-2025 to rezone 319 Walkes Road for the redevelopment proposal as submitted, to allow for the redevelopment of the subject property (an undersized lot) with a dwelling and septic system that will further encroach into the water setback of Chandos Lake.

All of which his respectfully submitted for Council's consideration.

"Original Signed by"

Forbes Symon, MCIP, RPP

Senior Planner (Contract)

Jp2g Consultants Inc.



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Attachments:

- Attachment #1: Notice of Public Meeting
- Attachment #2: Site Plan – Dated December 2025
- Attachment #3: Draft Proposed Zoning By-law Amendment
- Attachment #4: Curve Lake First Nations Comments
- Attachment #5: Planning Justification Report (revised)
- Attachment #6: Preconsultation Report